

REMARKS

Claims 1, 2 and 59-67 are pending. Claim 1 has been amended. The amendment to claim 1 is supported by disclosure at page 1, line 15 of the specification. No new matter has been added by this amendment.

Specification

The Examiner objected to the specification because the priority document was not listed in the first sentence on the first page. Accordingly, the specification has been amended to include a “Related Applications” section preceding the “Background of the Invention” section on page 1.

The Examiner also objected to the specification for the use of the trademark “Taqman” at page 17, line 24. As suggested by the Examiner, the specification has been amended to capitalize “TAQMAN” and it is accompanied by the generic terminology, “fluorogenic 5’ nuclease assay”.

Applicants respectfully request reconsideration and withdrawal of the objections to the specification.

35 U.S.C. § 112, second paragraph

Claims 1, 2, and 59-67 were rejected as being indefinite for the recitation of “HFE” in claim 1. Accordingly, claim 1 has been amended to identify the full name of the abbreviation as recited in the specification, *i.e.* “histocompatibility iron loading”. Applicants contend that amended claim 1 is clear and definite. Claims 2 and 59-67 depend, either directly or indirectly, from claim 1. Thus, this rejection should be withdrawn.

Double Patenting

Claims 1, 2, and 59 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, and 11 of U.S. Patent No. 6,355,425. Applicants submit herewith a terminal disclaimer and the appropriate fee. Therefore, this rejection should be withdrawn.

Applicants: Rothenber et al.
U.S.S.N.: 09/981,606

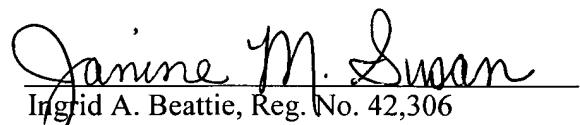
CONCLUSION

On the basis of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact either of the undersigned at the telephone number provided below.

The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 24065-004CON.

Respectfully submitted,

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